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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Efrain Torres

HILB / 720

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09/06/2006

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EXAMINER

GART, MATTHEW S

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 09/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/827,803

Applicant(s)

TORRES ET AL.

Examiner

Matthew S. Gart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 8-29, 59-66 and 70-93 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8-29, 59-66 and 70-93 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/1/2006 has been entered.

### ***Prosecution History Summary***

- Claims 5-7, 30-58, 67-69 have been cancelled.
- Claims 1-4, 8-29, 59-66 and 70-93 are pending in the instant application.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**Claims 59-64 and 93 are rejected under 35 U.S.C. 101.**

Referring to claims 59-64 and 93. Claims to computer-related inventions that are clearly nonstatutory fall into the same general categories as nonstatutory claims in other arts, namely natural phenomena such as magnetism, and abstract ideas or laws of nature which constitute "descriptive material." Abstract ideas, Warmerdam, 33 F.3d at 1360, 31 USPQ2d at 1759, or the mere manipulation of abstract ideas, Schrader, 22 F.3d at 292-93, 30 USPQ2d at 1457-58, are not patentable. Descriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material." In this context, "functional descriptive material" consists of data structures and computer programs which impart functionality when employed as a computer component. (The definition of "data structure" is "a physical or logical relationship among data elements, designed to support specific data manipulation functions." The New IEEE Standard Dictionary of Electrical and Electronics Terms 308 (5th ed. 1993).) "Nonfunctional descriptive material" includes but is not limited to music, literary works and a compilation or mere arrangement of data. Both types of "descriptive material" are nonstatutory when claimed as descriptive material per se. Warmerdam, 33 F.3d at 1360, 31 USPQ2d at 1759. When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function

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of the descriptive material to be realized. Claims 59-64 and 93 are merely directed to a computer program per se.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-4, 8-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Segal (Patent Application Publication 2001/0032093) in view of Barrott (Patent Application Publication 2002/0046046).**

Referring to claim 1. Segal discloses a computer-implemented method for creating an online funeral plan, the method comprising:

- Generating a plurality of groupings of products and services each associated with a profile parameter that relates to at least one of a personal funerary preference (Segal: paragraph 0024);
- Receiving user input associated with a profile parameter of the plurality of profile parameters to obtain requested pricing information on a product or service offered by a selected funeral service provider among a plurality of funeral service providers (Segal: paragraph 0012 through 0013);
- Retrieving in response to the user input the requested pricing information by accessing a database storing pricing information associated with a grouping of products and services associated with the profile parameter and offered by the plurality of funeral service providers (Segal: paragraph 0035), wherein each funeral service provider is associated with a distinct set of products and services

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from the plurality of products and services, and wherein the database maintains pricing information for the set of products and services associated with each funeral service provider (Segal: paragraph 0035); and

- Outputting the requested pricing information to the user (Segal: paragraph 0035).

Segal does not expressly disclose a computer-implemented method for creating an online funeral plan, the method comprising: generating a plurality of groupings of products and services each associated with a profile parameter that relates to at least one of a personal funerary preference and a lifestyle of a decedent. Barrott discloses a profile parameter that relates to a lifestyle of a decedent (Barrott paragraph 0101).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the method of Segal to have included the teachings of Barrott as discussed above in order to allow a funeral provider to inform families and friends about additional products not physically displayed on the showroom floor of a funeral home (Barrott: paragraph 0006).

Referring to claim 2. Segal further discloses a method comprising selecting a funeral service provider from the plurality of funeral service providers in response to the user input (Segal: paragraph 0036).

Referring to claim 3. Segal further discloses a method comprising selecting the funeral service provider from a plurality of funeral homes based on criteria chosen from the group consisting of: location, services, products, capacity, pricing information, appearance and reputation (Segal: paragraph 0035 through 0036).

Referring to claim 4. Segal further discloses a method comprising receiving user input from the user to select a collection of products and services to include in the funeral plan (Segal: paragraph 0032).

Referring to claim 8. Segal further discloses a method comprising processing funding of the funeral plan using a payment method selected from the group consisting of: an electronic debit, credit card, insurance, or trust fund (Segal: paragraph 0028).

Referring to claim 9. Segal further discloses a method comprising personalizing aspects of the funeral plan to reflect a religious, professional, personal, or ethnic desire of a deceased in response to user input (Segal: paragraph 0037).

Referring to claim 10. Segal further discloses a method comprising storing contact information of a family member, friend or associate of the user for notification of a decedent's death (Segal: paragraph 0037).



Referring to claim 11. Segal further discloses a method comprising electronically storing the funeral plan for later retrieval (Segal: paragraph 0022).

Referring to claim 12. Segal further discloses a method comprising initiating the electronic display of the funeral plan on a web site (Segal: paragraph 0020).

Referring to claim 13. Segal further discloses a method comprising modifying the funeral plan in response to user input (Segal: paragraph 0038).

Referring to claim 14. Segal further discloses a method comprising directing user input to a web site, and communicating the pricing information for a products or service to the user via the web site, wherein the pricing information is retrieved from the database (Segal: paragraph 0035 through 0036).

Referring to claim 15. Segal further discloses a method wherein the pricing of a product or service is guaranteed, the method further comprising initiating a display to the user of an electronic image or text representing terms of the guarantee (Segal: paragraph 0039).

Referring to claim 16. Segal further discloses a method comprising initiating the display of an image representative of the product or service to a user (Segal: Fig. 7, "Floral Catalog w/ thumbnails").

Referring to claim 17. Segal further discloses a method comprising scheduling a meeting with a death care professional in response to user input (Segal: paragraph 0027).

Referring to claim 18. Segal further discloses a method comprising initiating the display of contact information to the user enabling personal or electronic communication with the death care professional (Segal: paragraph 0027).

Referring to claim 19. Segal further discloses a method comprising retrieving an estimated cost from the database for a non-guaranteed item. (Segal: paragraph 0039).

Referring to claim 20. Segal further discloses a method wherein the non-guaranteed item is selected from the group consisting of: a floral arrangement, musical performance, clergy, transportation and honorarium costs. (Segal: paragraph 0039).

Referring to claim 21. Segal further discloses a method comprising storing a currency value indicative of client funds that are budgeted to pay for the non-guaranteed item (Segal: paragraph 0039).

Referring to claim 22. Segal further discloses a method comprising storing information related to donations (Segal: paragraph 0037).

Referring to claim 23. Segal further discloses a method comprising initiating the display of a payment status of the funeral plan to the user (Segal: paragraph 0039).

Referring to claim 24. Segal further discloses a method wherein the pricing information includes bids from at least a subset of the plurality of funeral service providers (Segal: paragraph 0035).

Referring to claim 25. Segal further discloses a method comprising relating an offer for the product or service from the user to at least a subset of the plurality of funeral service providers, wherein the offer includes a price range (Segal: paragraph 0034 through paragraph 0035).

Referring to claim 26. Segal further discloses a method comprising associating and recommending to the user a complementary item from the plurality of products and services in response to the user selecting the product or service (Segal: paragraph 0032).

Referring to claim 27. Segal further discloses a method comprising initiating the display of educational information, counseling and Internet links related to the product or service (Segal: paragraph 0027).

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Referring to claim 28. Segal further discloses a method comprising verifying the availability of the product or service from among the plurality of funeral service providers (Segal: paragraph 0027).

Referring to claim 29. Segal further discloses a method comprising encrypting user data and funeral plan information in conjunction with creating the funeral plan (Segal: Fig. 1).

Referring to claims 59-64. Claims 59-64 contain limitations similar to those as set forth above in claims 1-4 and 8-29. Claims 59-64 are rejected under the same rationale as set forth above in claims 1-4 and 8-29.

Referring to claims 65-66. Claims 65-66 contain limitations similar to those as set forth above in claims 1-4 and 8-29. Claims 65-66 are rejected under the same rationale as set forth above in claims 1-4 and 8-29.

Referring to claims 70-92. Claims 70-92 contain limitations similar to those as set forth above in claims 1-4 and 8-29. Claims 70-92 are rejected under the same rationale as set forth above in claims 1-4 and 8-29.

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Referring to claim 93. Claim 93 contains limitations similar to those as set forth above in claims 1-4 and 8-29. Claim 93 is rejected under the same rationale as set forth above in claims 1-4 and 8-29.

***Response to Arguments***

Applicant's arguments with respect to the pending claim have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew S. Gart whose telephone number is 571-273-3955. The examiner can normally be reached on M-F, 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



MSG  
Primary Examiner  
September 2, 2006